

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: AT&T/BellSouth Merger, WCB Docket No. 06-74

Dear Ms. Dortch:

AT&T and BellSouth are before the Federal Communications Commission requesting approval of a proposed merger that would create the largest telecommunications company in the country. One that would not only control nearly half of the nation's phone lines, but many television, cellular phone and internet providers. It is because of the scale of this merger that we ask you to consider certain allegations that have been brought against each company in your transfer application analysis.

Last month USA Today reported that AT&T, BellSouth and Verizon had provided the NSA with private phone records of thousands of customers. The FCC had originally denied an American Civil Liberties Union (ACLU) request to investigate these allegations because of a predicted government roadblock to any investigation of this nature at a time of heightened national security. However, with this merger request now at the Commission's feet, it is necessary to consider the validity of these concerns regarding lack of consumer safeguards.

The FCC is required to review the conduct and character of the applicants when considering a merger, while also weighing the benefits of the merger on the public. The character of a company is based on a history of compliance with commission laws and regulations, one of which protects the privacy of telephone calling information. Neither company is able to prove it has safeguarded consumer calling information without an investigation into the privacy concerns that have arisen. In addition, if either company were found to have disclosed private phone records without the consent or knowledge of the FCC, that is a violation of commission law. Public interest will be greatly harmed by the merger of two companies that cannot be trusted in both past activities and future.

Public benefit must outweigh public harm when two companies are approved for a merger. If it cannot be proven that AT&T and BellSouth acted within guidelines set by the commission concerning privacy then we request that approval not be granted. The disclosure of private records without consent or even knowledge of the parties being exposed makes the creation of the largest telecommunications company a dangerous one. On behalf of concerned citizens who would be affected by this merger of two untrustworthy companies, please investigate the allegations

before your committee as you consider the application transfer of AT&T and BellSouth.